

Message Text

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PAGE 01 COPENH 07568 221647Z

ACTION EB-08

INFO OCT-01 EUR-12 NEA-10 ISO-00 COME-00 FMC-02 TRSE-00

OMB-01 MCE-00 CIAE-00 INR-07 NSAE-00 L-03 H-02

SP-02 JUSE-00 /048 W

-----126734 221657Z /43

P R 221607Z DEC 77

FM AMEMBASSY COPENHAGEN

TO SECSTATE WASHDC PRIORITY 5634

INFO AMEMBASSY DACCA

AMCONSUL MADRAS

AMEMBASSY NEW DELHI

UNCLAS COPENHAGEN 7568

EO 11652: N/A

TAGS: BDIS, EWWT, BG, DA

SUBJ: M.V. NORDTRAMP

REF: (A) DACCA 6833, (B) DACCA 7295

1. EMBOFF HAS DISCUSSED INFORMALLY THE SUBJECT CASE WITH MANAGEMENT REP OF M.V. NORDTRAMP'S DANISH OWNERS, AND OBTAINED THE FOLLOWING INFORMATION:

A. M.V. NORDTRAMP WAS CHARTERED TO TAIMOR LINE OF NEW YORK, N.Y. FOR SUBJECT VOYAGE.

B. WHILE THE U.S. SHIPPER (INTRASPAN) WELL MAY HAVE PREPAID THE FREIGHT TO TAIMOR LINE, DANISH OWNERS HAVE NOT BEEN PAID.

C. TAIMOR LINE IS CONSIDERED TO BE BROKE ACCORDING TO DANISH OWNERS, AND VOYAGE WILL PROBABLY LEAVE VESSEL'S OWNERS WITH LOSS OF \$900,000.

2. CONCERNING THE ALLEGED ILLEGAL DISCHARGE OF CARGO IN TUTICORIN, OWNERS FOUND IT UNFEASIBLE TO GO TO PORT OF CHITTAGONG FOR THE FOLLOWING REASONS:

A. VESSEL IS TOO LARGE TO ENTER APPROPRIATE DOCK

UNCLASSIFIED

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PAGE 02 COPENH 07568 221647Z

IN CHITTAGONG.

B. DUE TO CONGESTION AT STEEL MILL, VESSEL MIGHT HAVE TO WAIT TWO-THREE MONTHS BEFORE DISCHARGE.

3. AFTER CONSULTATIONS WITH LEGAL ADVISORS, OWNERS FOUND THEY WERE ENTITLED TO DISCHARGE CARGO BECAUSE OF ABOVE ITEMS

2 (A) AND (B). REPORTEDLY, THE OCEAN BILL OF LADING

PARAS 8 AND 16 PERMITS THE VESSEL'S MASTER TO DISPOSE
OF CARGO UNDER SUCH CIRCUMSTANCES.

4. THE NORDTRAMP OWNERS FURTHER TOLD US THAT THEY HAD
SENT A COMPREHENSIVE CABLE TO THE CONSIGNEE, THE CHIT-
TAGONG STEEL MILL, EXPLAINING THEIR POSITION, ON
DECEMBER 17 WHEN THE VESSEL LEFT TUTICORIN. THE CARGO
IS NOW IN THE PORT OF TUTICORIN, WHERE THE CONSIGNEE
MAY PICK IT UP.

5. WHEN ASKED ABOUT THEIR INTERPRETATION OF THE EXCON
STIPULATION IN THE BILL OF LADING (WHICH IS REQUIRED TO
APPEAR ON ALL U.S. EXPORT DOCUMENTS), PROHIBITING DIVER-
SION CONTRARY TO U.S. LAW, THE OWNERS REP SAID THAT
THIS STIPULATION WAS APPARENTLY IN CONFLICT WITH THE
TERMS OF THE OCEAN BILL OF LADING, WHICH UNDER CERTAIN
CIRCUMSTANCES PERMITS THE VESSEL'S MASTER TO DISPOSE
OF THE CARGO. HE DID NOT FEEL THAT THE VESSEL HAD
ACTED IN CONFLICT WITH THE STIPULATION REGARDING
ILLEGAL DIVERSION, SINCE THE CARGO IS STILL DESTINED
FOR CHITTAGONG, WAITING TO BE RESHIPED FROM TUTI-
CORIN, ALTHOUGH AT THE CONSIGNEE'S EXPENSE.

6. COMMENT: IT APPEARS THAT WHILE MOST TRADE COM-
PLAINTS HAVE TWO SIDES, THIS ONE HAS MANY, AND WE
AGREE FULLY WITH REF B THAT THIS MATTER, IF NOT
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PAGE 03 COPENH 07568 221647Z

SETTLED AMICABLY BETWEEN THE PARTIES, IS ONE FOR THE
COURTS TO RESOLVE.
DEAN

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Disposition Case Number: n/a
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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